EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joyce v. Natzmer on 02/09/10.

The application has been amended as follows:

Claim 4 has been amended to read as follow:

--"A pharmaceutical agent consisting of:

(1) *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) (*cis*-oxoplatin) and/or salts thereof, and

(2) a base material selected from a tablet, a capsule, and a coated tablet, wherein said base material and the *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) are:

- a capsule consisting of *cis*- oxoplatin : silicon dioxide : mannitol or magnesium stearate at a ratio of 0.1 to 10 : 0.1 to 10 : 0.1 to 10;

- a tablet consisting of *cis*-oxoplatin : lactose : corn starch : poly(O-carboxymethyl)starch sodium salt : calcium hydrogen phosphate $\times$ $2H_2O$: cellulose powder : magnesium stearate at a ratio of 10 to 500 : 20 to 150 : 1 to 10 : 1 to 10 : 1 to 10 : 1 to 10 : 0.1 to 7; and

- a tablet consisting of *cis*-oxoplatin : silicon dioxide : magnesium stearate at a ratio of 0.1 to 10 : 0.1 to 10 : 0.1 to 10."--

Claim 5 has been amended to read:

--"A pharmaceutical agent consisting of:

(1) *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) (*cis*-oxoplatin) and/or salts thereof, and

(2) a base material, wherein said base material and the *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) are:

- a capsule consisting of *cis*- oxoplatin : silicon dioxide : mannitol or magnesium stearate at a ratio of 0.1 to 10 : 0.1 to 10 : 0.1 to 10, and additionally silicon dioxide and mannitol or silicon dioxide and magnesium stearate and/or pharmaceutically acceptable vehicles."--

Claim 6 has been amended to read:

--"A pharmaceutical agent consisting of:

(1) *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) (*cis*-oxoplatin) and/or salts thereof, and

(2) a base material, wherein said base material and the *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) are:

- a capsule consisting of *cis*- oxoplatin : silicon dioxide : mannitol or magnesium stearate at ratio of 0.1 to 10 : 0.1 to 10 : 0.1 to 10, wherein

the capsule consists 50 mg of silicon dioxide, 50 mg of mannitol or 50 mg of magnesium stearate and 50 mg of oxoplatin, or, alternatively, 50 mg of *cis*-oxoplatin,

39.5 mg of lactose or 39 mg, 2.5 mg or 2 mg of corn starch, 2.5 mg of poly(O-carboxymethyl)starch sodium salt, 2.5 mg of calcium hydrogen phosphate × $2H_2O$, 2.5 mg of cellulose powder, and 0.5 mg of magnesium stearate, or, alternatively, 50mg of *cis*-oxoplatin, 50 mg of silicon dioxide and 50 mg of magnesium stearate."--

Claim 13 has been amended to read:

--"A pharmaceutical agent consisting of:

(1) *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) (*cis*-oxoplatin) and/or salts thereof, and

(2) a base material, wherein said base material and the *cis*-diammoniumdichloro-*trans*-dihydroxoplatinum(IV) are:

- a tablet consisting of *cis*- oxoplatin : silicon dioxide : mannitol or magnesium stearate at a ratio of 0.1 to 10 : 0.1 to 10 : 0.1 to 10, wherein the tablet consists 50 mg of *cis*-oxoplatin, 39.5 mg of lactose, 2.5 mg of corn starch, 2.5 mg of poly(O-carboxymethyl)starch sodium salt, 2.5 mg of calcium hydrogen phosphate × $2H_2O$, 2.5 mg of cellulose powder and 0.5 mg of magnesium stearate, or, alternatively, 50 mg of *cis*-oxoplatin, 50 mg of silicon dioxide and 50 mg of magnesium stearate."--

Claim 24, line 2, after the word "agent", the phrase "of claim 4, 5, 6 or 13" has been inserted.

Claims 1, 2, 8-12 and 15-22 have been cancelled.

The following is an examiner's statement of reasons for allowance:

The closest prior art, Khokhar et al., teaches the claimed platinum (IV) compound in a pharmaceutically acceptable vehicle. See claims 2 and 3. Khokhar, however, does not teach the claimed carriers in the claimed ratios in a tablet or capsule form. The use of the transitional language "consisting of" in the claims precludes the use of all other pharmaceutically acceptable carriers or ratios not recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Tran whose telephone number is (571) 272-0606. The examiner can normally be reached on M-F 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571) 272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Tran/
Primary Examiner, Art Unit 1615